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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 02, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCELO ANTHONY BENSON,

Defendant.

No. 1:24-CR-2028-MKD

ORDER GRANTING MOTION TO
DISMISS INDICTMENT

ECF No. 39

Before the Court is the United States' Motion to Dismiss Indictment, ECF

No. 39. The United States moves to dismiss the Indictment dated April 18, 2024,

ECF No. 4, without prejudice, having received notice that Defendant is deceased.

Fed. R. Crim. P. 48(a) allows the United States to dismiss an indictment with leave

of court. The Court has reviewed the record and the motion and finds good cause

to grant the motion.

Accordingly, **IT IS HEREBY ORDERED:**

1. The United States' Motion to Dismiss Indictment, **ECF No. 39**, is

GRANTED.

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2. The Indictment, ECF No. 4, is **DISMISSED** without prejudice.

3. All pending motions are **DENIED** as moot.

4. All pending hearing dates, including the sentencing set for

December 10, 2024, are **STRICKEN**.

IT IS SO ORDERED. The District Court Executive is directed to enter this

Order, provide copies to counsel and the U.S. Probation Office, and **CLOSE** the

file.

DATED December 2, 2024.

s/Mary K. Dimke

MARY K. DIMKE

UNITED STATES DISTRICT JUDGE

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